

O. Barricade Use for Mikana Parade

To approve the Mikana July 4th Parade Committee's request for 45 type 1 barricades, require a signed liability release form and waive the usual rental fees.

P. Maintenance Contract Approval

Moved to "consideration."

Q. Drive Exceedance Approval at 36 W. Marshall Street, Mark Angell, Owner

To approve Mark Angell's request for a 38 foot wide access from Wilson Avenue for the Milk Pail, 35 W. Marshall Street.

R. Set public hearing date (June 24, 1997) - 1st Reading/Ordinance No. 840-Decker Annexation

To accept the 4th Decker Annexation Petition through acceptance of the 1st reading of Ordinance No. 840; set a public hearing date for consideration of permanent zoning classifications for June 24, 1997; and accept into the public record the significant subject matters addressed by the City Planner's May 1, 1997 memorandum.

S. Resolution No. 97-11/Finding that Employees were acting in their official capacities and providing legal defense through the City Atty, Special Legal Counsel, and/or Insurance Coverage

Moved to "consideration."

T. 1st Reading/Ordinance No. 844-Amend and Repeal Health Officer Ordinance

To adopt the 1st reading of Ordinance No. 844, Amending and Recreating Sections 2-3-8, 5-6-6, 5-6-1, 5-6-3, 5-6-5, 5-6-6, 7-1-5, 7-2-8-, 7-9-1(c)(2), 7-7-3(a), 7-10-1(c), 7-10-2(b), 8-1-1(a)(4), 8-1-1(b), 8-1-2, 8-1-3, 8-1-8(a), 8-1-11(c), 8-1-11(d), 8-3-8, 8-3-1(d), 8-3-8(a), 8-3-8(b), 8-3-12(a), 8-3-12(b), 8-3-16(a), 8-3-16(c), 8-3-16(f), 15-4-2(a)(2), 15-4-2(a)(9), 15-4-2(a)(16)(b), 15-4-3, 15-4-4, as related to Rice Lake Board of Health, Rice Lake Health Department and the Rice Lake Officer.

U. 1st Reading/Ordinance No. 845-Amend and Repeal Section 7-Taxicabs

To adopt the 1st reading of Ordinance No. 845, Repealing and Recreation Title 7, Chapter 11 - Taxi Cabs.

V. Designation of Official Depositories

To designate as official public depositories:

**Firstar Bank, NA, Rice Lake; Dairy State Bank, Rice Lake;
Royal Credit Union, Rice Lake; Mutual Savings, Rice Lake;
Wisconsin Trust Fund; Local Government Investment Fund; and
Brill State Bank, Rice Lake.**

W. Street Use Permit for Steve Harrington, 316 E. Slocumb Street

Mr. Steve Harrington withdrew his application prior to the meeting.

X. Resolution No. 97-10 / Northern Industrial Park Annexation

To adopt Resolution No. 97-10, Annexation of Northern Industrial Park property owned by the City of Rice Lake, Barron County, Wisconsin, as permitted by Wisconsin State Statutes Section 66.021.

Y. Police Liaison-City/School Contract

To approve the City of Rice Lake and Rice Lake Area School District's Agreement for Police School Liaison Office Services through February 28, 2000 and authorize the Mayor and Clerk to sign related documents.

Z. Emergency Generator Bid Process

To authorize deviating from the established bid process for a safety building emergency generator, advertising May 14 and 21, 1997; opening bids May 29, 1997.

AA. Recreation Concession Stand Contract approval

To approve the 1997 Tate Park Concession Stand Weeknight Operation Contract with the Rice Lake Boys Fastpitch League, as presented and authorize the Mayor and Clerk to sign related documents.

AB. Acceptance of Park Equipment donation

To accept James Sockness' swinging park bench material donation to be constructed on the lakefront.

AC. Renew Contract with Beach Water Safety Coordinator

To approve the 1997 Beach Advisor Contract with Bambi L. Forcey in the amount of \$200.00, and authorize the Mayor and Clerk to sign related documents.

AD. Seasonal Employee Maintenance III approval

To appoint Tim F. Harycki as seasonal PRC Maintenance Worker III at an hourly rate of \$7.76.

AE. Airport Improvements

Moved to "consideration."

Voting For: Councilmembers Heldke, Drost, Dorrance, Rowe, Dietz, Richter and Radtke

Voting Against: None

Motion Carried.

JOINT COUNCIL/AIRPORT COMMISSION MEETING...

Airport Commission Chairperson Jess Miller called the Airport Commission meeting to order.

Members Present: Heldke, Leitner, Nelson and Miller

Members Absent: Thompson.

Airport Improvements

Motion by Councilmember Dorrance; seconded by Councilmember Dietz to direct that the CA/Commission work on the "CA" airport plan as proposed during the May, 1997 Work Session and return same to the Common Council for further review and consideration.

City Administrator Snyder provided information on same.

J Councilmember Angell arrived at this time.

Voting For: Councilmembers Drost, Dorrance, Rowe, Dietz, Angell, Richter, Radtke and Heldke

Voting Against: None

Motion Carried.

Motion by Commissioner Miller; seconded by Commissioner Leitner to adjourn the Airport Commission meeting.

Voting For: All

Voting Against: None

Motion Carried.

COUNCIL CONSIDERATION:

Americinn Hotel/Motel tax penalty refund request

City Clerk-Treasurer Morse presented the brief regarding Americinn Motel's request for a penalty refund assessed to the late filing of the hotel/motel tax report and payment. Jim Drost, Tourism Commission, offered comments on same.

Motion by Councilmember Drost; seconded by Councilmember Heldke to deny the Americinn Motel's \$619.93 hotel/motel use tax late payment penalty request for the 1996 4th quarter payment due January 30, 1997, received April 7, 1997.

Voting For: Councilmembers Dorrance, Rowe, Dietz, Angell, Richter, Radtke, Heldke, and Drost
Voting Against: None
Motion Carried.

Transfer of Osterbauer's "Class A" Liquor License and Osterbauer Drug's Class "A" Beer License Request

City Clerk-Treasurer Morse presented briefs on Osterbauer's "Class A" liquor transfer and new Class "A" beer license applications.

Motion by Councilmember Dorrance; seconded by Councilmember Rowe to grant Osterbauer Drugs' "Class A" liquor license premises transfer request from 218 North Main Street to 2498 South Main Street, 40' x 80' (3200 square feet), including restroom with solid walls, without connecting or shared entrance, to access to other building areas conducting non-related retail sales, effective May 14, 1997, using the trade name "Osterbauer Liquor."

Voting For: Councilmembers Rowe, Dietz, Angell, Radtke, Heldke, Drost, and Dorrance
Voting Against: Councilmember Richter
Motion Carried.

Motion by Councilmember Dorrance; seconded by Councilmember Angell to approve the Osterbauer Drugs' Class "A" beer license at 2498 South Main Street, 40' x 80' (3200 square feet), including restroom with solid walls, without connecting or shared entrance, or access to other building areas conducting non-related retail sales, effective May 14, 1997, using the trade name "Osterbauer Liquor."

Voting For: Councilmembers Dietz, Angell, Radtke, Heldke, Drost, Dorrance, Rowe
Voting Against: Councilmember Richter
Motion Carried.

Request for Traffic Study on Main Street West of frontage road

Street Superintendent Neuman presented a report on the Main street West Frontage Road traffic study request.

Motion by Councilmember Dietz; seconded by Councilmember Dorrance to approve the traffic study proposal with Cooper Engineering in the amount of \$9,305 for the Main Street West Frontage Road (County Market/Taco Johns/Rose Stone area) and authorize the Mayor and Clerk to sign related documents.

Voting For: Councilmembers Angell, Richter, Radtke, Heldke, Drost, Dorrance, Rowe, and Dietz
Voting Against: None
Motion Carried.

Clerk's Office Furniture Acquisition

City Clerk-Treasurer Morse presented a brief for the acquisition of ergonomic office furniture for six work stations in the City Clerk's Office as introduced during the 1997 budget process.

Motion by Councilmember Dietz; seconded by Councilmember Radtke to waive the bid process and authorize the sole-source purchase and installation of Clerk's Office furniture from Hennings, Inc., Rice Lake, in the amount of \$32,809.70 utilizing a 3-year Dairy State Bank non-

appropriation lease-purchase agreement and authorize the Mayor and Clerk to sign related documents.

Motion and second withdrawn.

Staff and Council discussed the issue further.

Motion by Councilmember Dietz; seconded by Councilmember Radtke to waive the bid process and authorize the sole-source purchase and installation of Clerk's Office furniture from Hennings, Inc., Rice Lake, in the amount of \$32,809.70 utilizing a 3-year Dairy State non-appropriation lease-purchase agreement and authorize the Mayor and Clerk to sign related documents.

Voting For: Councilmembers Radtke, Heldke, Rowe, Dietz, and Mayor Ferguson
Voting Against: Councilmembers Richter, Drost, Dorrance, and Angell
Motion Carried.

Consider Cable Commission Franchise Ordinance

Mick Givens, Cable Director, presented a brief on Chibardun Telephone Cooperative, Inc.'s request to furnish cable television services within the City, including information on the local government's roles and choices, negotiation strategies for dealing with multiple telecommunications service providers, and a federal law outline on services. Cable Commission Chairperson Drost offered comments on same. Rich Vergin, Chibardun Telephone Cooperative and Karen Sanders, Marcus Cable provided information on same.

Motion by Councilmember Dorrance; seconded by Councilmember Drost to authorize the Common Council to hire Mr. Barry Orton, UW-Madison, to develop a telecommunications ordinance and to advise on proper course of action with regard to Chibardun's telecommunications and cable television entry into the City and to insure proper procedures are followed to minimize City liability and present same to Council at a future meeting.

John Johnston and Oscar Chamberlain offered comments on same.

Voting For: Councilmembers Radtke, Heldke, Drost, Dorrance, Rowe, Dietz, Angell, and Richter
Voting Against: None
Motion Carried.

Maintenance Contracts Approval

Motion by Councilmember Dorrance; seconded by Councilmember Richter to approve the 1997 Street Maintenance Contract bid awards as presented, except maintenance cleaning and filling of cracks to allow Daffinson, Inc., representative the opportunity to present their case regarding workmanship at the next council meeting.

Voting For: Councilmembers Dorrance and Richter
Voting Against: Councilmembers Heldke, Drost, Rowe, Dietz, Angell, and Radtke
Motion Failed.

Street Superintendent Neuman and Bill Bergmen, Bergmen Companies, offered comments on the proposed project.

Motion by Councilmember Drost; seconded by Councilmember Rowe to approve the 1997 Street Maintenance Contract Bid Awards as presented.

Voting For: Councilmembers Drost, Rowe, Dietz, Angell, Richter, Radtke, and Heldke
Voting Against: Councilmember Dorrance
Motion Carried.

Resolution No. 97-11/Finding that Employees were acting in their official capacities and providing legal defense through the City Attorney, Special Legal Counsel, and/or Insurance Coverage

City Administrator Snyder presented a brief on the April 25, 1997 suit filed against the Police Department employees by Mark Dietrich, Turtle Lake, and City Attorney Friess offered comments on same.

Motion by Councilmember Drost; seconded by Councilmember Richter to adopt Resolution No. 97-11, resolution finding that employees were acting in their official capacities and providing legal defense through the City Attorney, Special Legal Counsel, and/or insurance coverage.

Voting For: Councilmembers Dorrance, Rowe, Dietz, Angell, Richter, Radtke, Heldke, and Drost
Voting Against: None
Motion Carried.

REPORTS/COMMENTS:

City Clerk-Treasurer Morse presented a Transit Quarterly Report, City Planner Skulan submitted a Rental Housing Inspection Report and City Administrator Snyder presented a Financial, Operational, and Policy report for April, 1997.

Mayor Ferguson commented on the town meeting topic of the high school kids' behavior, littering, and smoking on Augusta Street/adjoining neighborhoods and the Carson Street area and requested the school consider a closed campus at the high school. Councilmember Angell disagreed with the closed campus idea and offered comments on the Mayor's issue. Police Chief Beffa offered comments on same.

Councilmember Richter commented on the high school students for the recent community clean-up project. Councilmember Dietz announced the Rice Lake Utilities will donate water for the Camp Courage Wagon Train.

Councilmember Drost commented on quarterly reports not being done and Clerk Morse was directed to send friendly reminders to the various committees.

Motion by Councilmember Drost; seconded by Councilmember Dietz to convene into CLOSED SESSION pursuant to WI §§ 19.85 (1)(c) considering employment, promotion compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, (1)(e) deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, (1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Voting For: Councilmembers Rowe, Dietz, Angell, Richter, Radtke, Heldke, Drost, and Dorrance
Voting Against: None
Motion Carried.

--- C L O S E D S E S S I O N ---

A. Discussion on Potential Litigation on Open Meeting Law

Motion by Councilmember Drost; seconded by Councilmember Heldke to convene into OPEN SESSION and to take any action necessary.

Voting For: All
Voting Against: None
Motion Carried.

Item B-Acquisition of Real Estate Land and Item C-Defense of Officers by City Attorney were not discussed in closed session.

OPEN MEETING...

City Attorney provided brief comments regarding the potential litigation on open meeting law. Staff was directed to place the April, 1997 Inspection Department Vacancy action on the May 27, 1997 consideration agenda to consider rescinding previous action and allow for discussion on same.

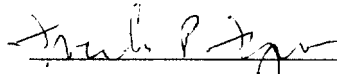
Oscar Chamberlain offered comments on same.

Motion by Councilmember Angell; seconded by Councilmember Drost to adjourn.

Voting For: All

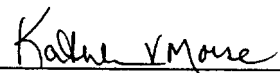
Voting Against: None

Motion Carried.



Franklin P. Ferguson, Mayor


ATTEST:



Kathleen V. Morse, CMC
City Clerk-Treasurer

CERTIFICATION

I, Kathleen V. Morse, City Clerk-Treasurer, hereby certifies that the above minutes is a true and exact copy adopted by the Common Council at its regular session of May 27, 1997.



Kathleen V. Morse, CMC/AEE
City Clerk-Treasurer

Dated: November 4, 1997